Lucio Celli
v.
Cole et. al

Or

Case No.: 15-cv-03679

Dear Judge Cogan,

Re: Fraud Upon the Court by Judge Cogan via rule 60

Your Honor was not a neutral arbiter as required by the Due Process Clause of the 5th and 14th Amendment. According to the 2d. Cir., "fraud on the court will, most often, be found where the fraudulent scheme defrauds the "judicial machinery" or is perpetrated by an officer of the court such that they cannot perform its function as a neutral arbiter of justice. See Martina Theatres Corp. v. Schine Chain Theartres, Inc., 278 F.2d 789, 801 (2d. Cir. 1980)

I make my request via rule 60

Your Honor defrauded the judicial machinery for Randi Weingarten, the UFT, and Betsy Combier and I have AUSAs who told me too, like AUSA Gold and AUSA Shaw with others.

I would be ashamed taking a bribe from Randi Weingarten, as she paid Judge Marrero for the same conduct and Your Honor worked for the UFT, as a result I was denied my constitutional rights

The UFT threatened me to expose my rape and Combier with Randi and Judge Cogan placed my HIV status on her nonprofit blog.

What Your Honor must realize is the fact that you wrote briefs for the UFT while at Strook. I quoted from an arbitrator who quoted from your brief.

It is a constitutional right to honor the decision of the highest court
It is a policy to enforce arbitration decisions on the federal and state level

90%, if not 100%, of my claims stem from violations arbitration decisions

Facts:

1. Judge Cogan worked for the Strook, Strook, and Lavin
2. Strook, Strook, and Lavin negotiates the CBA for the UFT and NYC DOE
3. Strook writes briefs for arbitrators, whereby arbitration decisions are formed.
4. Judge Cogan wrote brief for the UFT
5. I quoted from briefs that Judge Cogan wrote and said he could not read or understand
6. At the time of my lawsuit, Judge Cogan had clerks who left for Strook or came from Strook
7. There are law articles about Judge Cogan and his clerks (the authors were from Strook), where they describe what it was like working for him as judge and then Judge Cogan helped them get a job at Strook
8. Judge Cogan ignored the fact he needed to address the issue of his association with the UFT
9. Judge Portues hide his association with litigants, and he was convicted– Sen. Schumer was one of the 88 senators who voted for conviction
10. Judge Cogan's work history is part of senate records
11. UFT's use of Strook is part of Department of Labor's records (tax returns) and NYC's records (contracts, briefs, etc)
12. The panel of judges said Judge Cogan was practicing law when he told not to plead the UFT
13. 28 USC § 454 makes is a misdemeanor for a judge to practice law, while on the bench
14. Judge Ritter was impeached and convicted for practicing law for his former law firm and their clients, like what Judge Cogan did to me
15. AUSA Shaw and AUSA Gold with 80 others said that Judge Cogan committed a crime against me
16. My claims were all contractual and colorable under 42 USC § 1983 and 42 USC § 1981, as there are all based on arbitration decisions
17. Betsy played me an audio recording of Randi paying Judge Marrerro (Schumer)
18. I was deprived of a fair trial, the right to testify, and present evidence
19. I began emailing Sen. Schumer on December 11, 2017, because I believed that he was the person that was helping Randi Weingarten
20. I watched the hearings of Judge Porteous because Judge Cogan ignored his relationship to the UFT, how he dealt with the issues at hand at a lawyer for Strook, and how he wrote briefs for the UFT for arbitration that I quoted, but he could not read

21. I watched the videos in the Senate and US Court on changes for judicial conduct prior to November of 2018
22. Justice Roberts recused himself in *Schaffer v. Weast* 546 U.S. 49, 51 (U.S. 2005) because he said that no one would believe the opinion would be obtained without his influence
    a. Judge Newman wrote an opinion about practice of law, but wrote it was ok for Judge Cogan
    b. Judge Cogan worked for the UFT for over 20 years, which at Strook, Strook, and Lavin
    c. My lawyers and the AUSAs of EDNY say that Judge Cogan was right for what he did to me
        i. AUSAs of the EDNY are depriving of equal protection of the law
        ii. AUSAs of the EDNY have conspired with Judge Cogan to deprive m of a fair trial, liberty, and retro money—as Ms. Norton said that I was not entitled to retro money and see attachment and below for further facts
    d. I have AUSA Gold and AUSA Shaw with 80 other DOJ personnel said that Judge Cogan committed a crime for the UFT against me
    e. Judge Ritter was impeached and convicted for the practice of law for his former clients and law firm, but Judge Cogan is allowed to do this...and Randi Weingarten paid Judge Marrero
    f. I did a lesson with students who had borderline IQs and they understood that what Judge Cogan did for his former clients was wrong and they, AUSA Gold with others, said that they believed it was a rime

First: I believe that either 2d. Cir. Judicial Council[1] needs to decide, or Judicial Conference or another circuit that is not, in anyway, influenced by Sen. Schumer should decide this Rule 60.

Federal appellate courts' ability to assign a case to a different judge and it rests not on the recusal statutes alone, but on the appellate courts' statutory power to `require such further proceedings to be had as may be just under the circumstances,' 28 U.S.C. § 2106 ." Liteky v. United States, ___ U.S. ___, ___, 114 S.Ct. 1147, 1156-57 (1994). **Thus we are empowered to "direct the entry of such appropriate . . . order.**

[1] Not a good idea as it is filled with Sen. Schumer's people

. . **as may be just under the circumstances**," 28 U.S.C. § 2106 (1994), including reassignment of the case where, in the language of 28 U.S.C. § 455(a) (1994), the district judge's "impartiality might reasonably be questioned." See Dyas v. Lockhart, 705 F.2d 993, 997-98 (8th Cir.) (remanding to another district judge to assure the appearance of impartiality, notwithstanding that appeal was from court's failure to recuse sua sponte and the issue was never raised in the district court), cert. denied, 464 U.S. 982 (1983). See also Ligon v. City of New York, 736 F.3d 118 (2d Cir. 2013)

Remedy, I request that my lawsuit be activated because there is a ton of case law that favors me.

The controlling case is Lilegerg v. Health Services Acquisition Corp. 486 US 847 (1988) for rule 60. I believe Tumey v. Ohio (I do not have my computer to write the numbers and I am too lazy to search for the printout, but it is a famous case) should apply for elements that were ignored each judge because Randi paid each of you, like Randi paid Judge Marrero

If you need me to go further into why my case need to be activated, I request you order US Probation Officer Greene to either give back my computer or provide me access with time to my computer

I request that a hearing be held where I can call AUSAs because my opinion is worthless and the of the government is gold.

As I told Judge Engelmayer, it is incumbent upon judges to protect the integrity of their office and of the court. It took it months, but he admitted that Sen. Schumer recommended him, which is all that is required under the misconduct opinions.

Remember it is the appearance and I have what AUSAs told me—I would love to have a hearing where I call them too because Judge Engelmayer and Mr. Silverman deprived me of that right.

Please Take Notice, Judge Porteous was convicted for lying about his association and hiding his association. Please see Mr. Geyh's testimony

_____

Lucio Celli

September 22, 2021

Lucio Celli
89 Widmer Road
Wappingers Falls, New York 12590
718-547-9675

UNITED STATES COURT FOR THE

EASTERN DISTRICT OF NEW YORK

LUCIO CELLI,

Appellant/Petitioner/Defendant,

vs.

United States of America,

Appellee/Respondent/Plaintiff

Case No.: 19-cr-00127

ECF SERVICE OF "MANDANUS FOR INJUNCTIVE RELIEF TO HAVE A FAIR 3020-A BECAUSE THE FACTS ARE BASED ON THE UNFAIR TRIAL BEFORE JUDGE ENGELMAYER" UPON JUDGE ENGELMAYER VIA ECF, AS EXPLAINED BY MR. SILVERMAN AND AS REQUIRED BY THE 2D. CIR.

See attachment that was submitted to the Court of Appeals

Lucio Celli

~~September~~ 22, 2021

Dated this 11th of ~~October~~, 2021.

Lucio Celli, Defendant

ECF SERVICE OF "MANDANUS FOR INJUNCTIVE RELIEF TO HAVE A FAIR 3020-A BECAUSE THE FACTS ARE BASED ON THE UNFAIR TRIAL BEFORE JUDGE ENGELMAYER" UPON JUDGE ENGELMAYER VIA ECF, AS EXPLAINED BY MR. SILVERMAN AND AS REQUIRED BY THE 2D. CIR. - 2

Lucio Celli
89 Widmer Road
Wappingers Falls, New York 12590
718-547-9675

UNITED STATES COURT FOR THE

COURT OF APPEALS FOR THE 2D CIR.

CCF AUSA

LUCIO CELLI,

~~Plaintiff~~ Respondent

vs.

USA Plaintiff

Case No.:
MANDAMUS Injunctive relief to have a fair 3020-a b/c the facts are based on the unfair trial before Judge Engelmayer

I seek a mandamus for the right to show the country that Judge Engelmayer, AUSA Karamigious with her colleagues, and Mr. Silverman deprived me of a fair trial, which will be done at my 3020-a.

Judge Engelmayer allowed Mr. Silverman and AUSA Karamigious deprive me of my own intent because they colluded to protect Judge Cogan and Randi Weingarten the UFT.

The trio want to deprive me of my "right to pursue their profession" under the 14th Amendment with the fact that they deprived me a fair trial and these orders were given by Randi Weingarten and Judge Cogan

To "rise to the level of a violation of the Fourteenth Amendment's liberty right to choose and follow one's calling," government regulation must result in more than a "brief interruption." Id. "Instead, the Supreme Court, [the Second] Circuit, and the other Circuits addressing the issue have all indicated that the right of occupational choice is afforded Due Process protection only when a plaintiff is completely prohibited from engaging in his or her chosen profession." Hu v. City of New York, 927 F.3d 81, 102 (2d Cir. 2019) (quotations and citations omitted). Courts in this Circuit have held that unless the defendants denied plaintiff "all opportunities to practice" in a chosen profession, then there was no substantive due process violation, even if the defendants' "actions made it more difficult" to do so. Marino v. City Univ. of New York, 18 F. Supp. 3d 320, 340 (E.D.N.Y. 2014).

CJA

A 3020-a attempts to terminate a tenure teacher and I received papers, dated 12/16/21, that NYCDOE seek to terminate me based on the unfair tactics employed by Judge Engelmayer, AUSA Karamigious and Mr. Silverman

Mr. Silverman said he won't serve this on the USA, but I have him audio recorded saying that it's what he agreed to and this is what is written into the order and Judge Engelmayer alone

↑ SS USA Sec 1746 Lucio Celli

Please Take Notice, I have over 80 DOJ personnel who said that Judge Cogan committed a crime against and for the UFT

Please Take Notice of the following:

1. Mr. Silverman would not obtain any exculpatory evidence concerning Randi Weingarten and UFT because it had nothing to do with my intent, which is audio recorded and sent to congress––which is the reason for the letter from the DOJ, see below
2. Mr. Silverman said that he would not present my intent of Judge Cogan being a criminal because no one else believed that which was sent to congress as an audio recording
3. Mr. Silverman did not represent my interest whatsoever, he went out of his way to cover up the misconduct of AUSA, ignored the Judge Engelmayer's behavior, and protected Judge Cogan and he had the audacity to say, "Judge Cogan wasn't arrested," but I have audio recorded AUSA saying that they are covering up his crime for the UFT and they need to be arrested
    a. Plus, I have borderline IQ kids knew and understood that Judge Cogan committed a crime for the UFT
    b. They thought like everyone who does not work for the EDNY and Justice Roberts.
4. AUSA Gold, AUSA Shaw and others at the DOJ said that Judge Cogan did use his office to commit a crime for the UFT
5. The above-referenced knew and understood what the UFT and the NYC DOE did at grievance hearings with arbitration decisions was a crime, like Judge who said it was ok…hmm, and he wrote briefs that the arbitrator quoted, and I cited and he, Judge Cogan, could not understand––yet, Randi paid Judge Marrero
6. I have borderline IQ students who knew and understood that Judge Cogan used his office for the UFT
7. Justice Roberts recused himself in *Schaffer v. Weast* 546 U.S. 49, 51 (U.S. 2005) because he said that no one would believe the opinion would be obtained without his influence

a. All my lawyers said they reviewed the docket, but I cited the above case because of what Justice Roberts said about his former clients and each one attempted to tell me, Judge Cogan did nothing wrong

b. I have AUSAs, like AUSA Gold and AUSA Shaw, who said that my lawyer are BEYOND obvious helping Judge Cogan because of the facts

c. I have 1st and 2nd Dept for attorney misconduct said that it is misconduct for sure and it may warrant suspension or more, but they would need to read the transcripts and briefs submitted, and hear my audio recordings closely to make a true determination

d. Olvera/Wiel/Hueston/Taylor said nothing when AUSA Bensing misrepresented Judge Cogan's conduct

e. Olvera/Wiel/Hueston/Taylor said nothing when AUSA Bensing misrepresented the UFT, and DOE did nothing.

8. AUSA Karamigious, AUSA Brady, AUSA Bensing, and AUSA Donoghue went out of their way to harm me for Judge Cogan and deprived me of liberty for Judge Cogan—by depriving of all safeguards in the Bail Reform Act, which I have AUSAs outside of the 2d. Cir. telling me so, it was retaliation for exposing Judge Cogan, and it was meant to teach me a lesson

9. I have AUSA Gold and AUSA Shaw with others saying what the AUSAs of EDNY did to me is misconduct

10. **In writing**: I have a letter from the IG's office telling me that what the AUSAs did to me is misconduct and not criminal with the fact that my lawyers provided me with infective assistance of counsel—I see it more as a "blue wall" because I did get crime for bail hearing and other items and maybe they did not understand because there were a lot of pages.

11. **In writing**: I have a letter from the Executive Office for the US Attorneys who echoed what the IG's office told me—theirs was more a form letter with certain portions circled with a highlighter

12. What I have, verbally, from the AUSAs is the fact that the AUSAs of EDNY helped Judge Cogan and Randi Weingarten rob me of retro money and fair trial,

but the letters from the IG and Executive Office are vague in what they viewed as misconduct.

DISCUSSION

We "may issue all writs necessary or appropriate in aid of [our] jurisdiction[] and agreeable to the usages and principles of law" under the All Writs Act. 28 U.S.C. § 1651(a). Three conditions must be met before a writ may issue: (1) the petitioner "[must] have no other adequate means to attain . . . relief," (2) the petitioner must show that the right to mandamus is "clear and indisputable," and (3) the court "must be satisfied that the writ is appropriate under the circumstances." *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004) (first alteration in original) (internal quotation marks and citations omitted).

A. Mandamus standard

Under the All Writs Act, 28 U.S.C. § 1651(a), the Circuit court may issue a writ of mandamus in "exceptional circumstances" to correct a "judicial 'usurpation of power.'" *Will v. United States*, 389 U.S. 90, 95 (1967) (quoting *DeBeers Consol. Mines, Ltd. v. United States*, 325 U.S. 212, 217 (1945)). The remedy "is a drastic one," *Kerr v. United States Dist. Court*, 426 U.S. 394, 402 (1976), employed only where a party has a "**clear and indisputable right to relief**, that party has "**no other adequate means to attain**" that relief, and **issuance of the writ is appropriate under the circumstances**, *id.* at 403 (citation omitted); *see also In re Roman Catholic Diocese of Albany, New York, Inc.*, 745 F.3d 30, 35 (2d Cir. 2014) (per curiam) (same).

1. Mandamus for denial of motion to transfer venue and denial of motion for recusal

Both transfer of venue under Rule 21(a) of the Federal Rules of Criminal Procedure and judicial recusal under 28 U.S.C. 455(a) may be proper bases for mandamus review. *See e.g., United States v. Garber*, 413 F.2d 284, 285 (2d Cir 1069) (denial of transfer of venue "may be reviewable by way of writ of mandamus" upon "a strong showing of prejudice", *id.* (citing *Application of Gottesman*, 332 F.2d 975, 976 (2d Cir. 1964)), and a "clear abuse" of discretion which would warrant interference with the trial judge's determination", *id.* (citing *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383 (1953)); *In re IBM Corp.*, 45 F.3d 641, 643 (2d Cir. 1995) (citation omitted) (A party is entitled to a writ of mandamus if he is able to show a "clear and indisputable" right to recusal of the assigned district judge under 28 U.S.C. § 455(a)).

B. Procedural history

On November 23, 2020, Mr. Celli, through counsel, submitted a pretrial motions arguing, under Fed. R.Crim. P. 21 and 28 U.S.C. § 455(a), for transfer of the case to a court outside the Second Circuit. Dkt. 101. The government responded December 7, 2020. Dkt. 106. Oral argument was held December 15, 2020 before the Honorable Paul A. Engelmayer. [Exhib : – transcript] Judge Engelmayer denied the motion for transfer in a bench opinion.

C. Facts presented to district court

I was deprived of a fair trial and Judge Engelamyer went out of his way to intimidated me for Randi Weingarten and deprived me of own intent, which was, in part, Randi Weingarten and the UFT wanted to expose my rape and Judge Cogan committed a crime for the UFT:[1]

Please Take Notice, there are other documents under seal for more information

Judge Engelmayer took a bride from Randi Weingarten to kept out the fact that she placed my HIV on Betsy Combier's website

Judge Engelmayer knew of my intent was, in part, Randi Weingarten and the UFT wanted to expose my rape and Judge Cogan committed a crime for the UFT—please see the underseal for the others

Please Take FURTHER Notice, Judge Engelmayer used the information from emails sent to him and the coaching from Randi Weingarten to intimate me and deprive me of free will

Moreover, similar conduct occurred with Judge Donnelly, but not on the scale of Judge Engelmayer, and I have AUSAs telling me that she (the judge) with the AUSA and my lawyer were committing a crime against me.

Please Take EVEN further Notice, I sent an audio recording, out of many, of Judge Engelmayer bullying me for Randi Weingarten and Sen. Schumer.

D. Legal standard presented to district court

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[1] See attachment of Judge Cogan's misconduct and I have AUSA, outside of the 2d. Cir., who said that Judge Cogan committed a crime for the UFT

1. The pretrial motion was premised 28 U.S.C. Section 455(a) requires recusal when impartiality might reasonably be questioned: "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The Second Circuit analyzes § 455 by asking:

> Would a reasonable person, knowing all the facts, conclude that the trial judge's impartiality could reasonably be questioned? Or phrased differently, would an objective, disinterested observer fully informed of the underlying facts, entertain significant doubt that justice would be done absent recusal?

United States v. Bayless, 201 F.3d 116, 126 (2d Cir. 2000). The standard is "designed to promote public confidence in the impartiality of the judicial process." *Id.* The Eastern District has long recognized that recusal is appropriate if "the indictment...alleges that the victims of the alleged crime are a judge of this Court[.]" Administrative Order 2012-11, docketed by then-Chief Judge Amon in *United States v. Romano*, No. 12 Cir. 691 (JFK) (E.D.N.Y. Nov. 8, 2012), Dkt. 12 (transferring case under Rule 21 to a judge outside of the Eastern District where the Indictment alleged a plot to kill a judge and Assistant United States Attorney in the Eastern District of New York); *cf. United States v. Wright*, 603 F. Supp.2d 506, 509 (2009) (transferring prosecution under Rule 21 to Southern District of New York without government objection where defendant was charged with assaulting an Assistant United States Attorney in an Eastern District of New York courtroom) (citing New York County Civil Court procedure "mandat[ing] that any case involving one of its employees as a party must be automatically transferred to a county other than the one in which the employee works or resides.").

2. 28 U.S.C. § 2106

If the court cannot force Judge Engelmayer to issue an order under a writ, I know that the Court of Appeals can force Judge Engelmayer to write one under 28 USC §2106

I may write to the court of appeals, or the Judicial Conference or the Supreme Court to get a difference assigned judge under 28 USC § 2106 due to the impartiality Judge Engelmayer. Both said judges forgot, intentionally, to explain their connections to Randi Weingarten, Sen. Schumer, and the UFT.

Please Take Notice, Federal appellate courts' ability to assign a case to a different judge and it rests not on the recusal statutes alone, but on the appellate courts' statutory power to `require such further proceedings to be had as may be just under the circumstances,' 28 U.S.C. § 2106." Liteky v. United States, ___ U.S. ___, ___, 114 S. Ct. 1147, 1156-57 (1994). **Thus we are empowered to "direct the entry of such appropriate . . . order. . . as may be just under the circumstances,"** 28 U.S.C. § 2106

(1994), including reassignment of the case where, in the language of 28 U.S.C. § 455(a) (1994), the district judge's "impartiality might reasonably be questioned." See Dyas v. Lockhart, 705 F.2d 993, 997-98 (8th Cir.) (remanding to another district judge to assure the appearance of impartiality, notwithstanding that appeal was from court's failure to recuse sua sponte and the issue was never raised in the district court), cert. denied, 464 U.S. 982 (1983). See also Ligon v. City of New York, 736 F.3d 118 (2d Cir. 2013)

In the original litigation, I did not argue "Full Faith and Credit Clause" and now I get too with the argument under Lijeberg v. Health Svcs. Acq. Corp, 486 US 847 (1988) because of the impartially I experienced at the hands of Judge Engelmayer intimidating me for Randi Weingarten and lied about his association with Sen. Schumer.

A. Federal appellate courts have the authority to reassign cases to different district judges as part of their general supervisory powers. Cobell v. Kempthorne, 455 F.3d 317, 331 (D.C. Cir. 2006) (quoting United States v. Microsoft Corp., 56 F.3d 1448, 1463 (D.C. Cir. 1995)). Statutory authority for reassignment rests in 28 U.S.C. § 2106 (2005), which states: **"The Supreme Court or any other court of appellate jurisdiction may . . . remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."** *See* Arthur D. Hellman, *The Regulation of Judicial Ethics In the Federal System: A Peek Behind Closed Doors*, 69 U. PITT. L. REV. 189, 204 (2007) (stating that section 2106 provides statutory authority for appellate courts' reassignment of cases to different district judges upon remand).

Judge Engelmayer's decisions were not just because the judge, as one example, allowed Mr. Silverman to lie about my intent, which Judge Engelmayer knew was a lie because he received my emails.

B. **Judicial reassignment may be appropriate where personal bias or unusual circumstances are established.** TriMed, Inc. v. Stryker Corp., 608 F.3d 1333, 1344 (9th Cir. 2010) (citing Smith v. Mulvaney, 827 F.2d 558, 562 (9th Cir. 1987). In determining whether unusual circumstances exist, a court considers (1) "whether the original judge would reasonably be expected upon remand to have substantial difficulty" disregarding previously-expressed findings or views

"determined to be erroneous or based on evidence that must be rejected"; (2) **"whether reassignment is advisable to preserve the appearance of justice"**; and (3) whether any duplication or waste attributable to reassignment would outweigh **"any gain in preserving the appearance of fairness."** *Id.* (quoting Smith v. Mulvaney, 827 F.2d 558, 563 (9th Cir. 1987)).

C. Reassignment may further be required if **"reasonable observers could believe that a judicial decision flowed from the judge's animus toward a party rather than from the judge's application of law to fact."** *Cobell*, 455 F.3d at 332. Appellate courts tend to exercise their reassignment authority sparingly. *Id.* (reserving such authority for "extraordinary cases").

It is obvious to AUSA Gold, AUSA Shaw, and 80 other DOJ personnel that Judge Cogan used his position for the UFT, and he knew and understand the UFT contract, which is the reason I am claiming Full Faith

In addition, borderline IQ kids knew and understood and same the same reasoning as Justice Roberts

D. Revised section will also permit a remand by the Supreme Court to a court of appeals inasmuch as such latter court then would be a lower court. **The revised section is in conformity with numerous holdings of the Supreme Court to the effect that such a remand may be made.** See especially, Maryland Casualty Co. v. United States, 1929, 49 S. Ct. 484, 279 U.S. 792, 73 L. Ed. 960; Krauss Bros. Co. v. Mellon, 1928, 48 S. Ct. 358, 276 U.S. 386, 72 L.Ed. 620 and Buzyuski v. Luckenbach S. S. Co., 1928, 48 S. Ct. 440, 277 U.S. 226, 72 L.Ed. 860..

Because Judge Engelmayer did not conform to Supreme Court decisions the first time around, there is now an expectation that they will continue to ignore their obligation under the Full Faith.

Facts

1. Judge Engelmayer and Judge Donnelly lied about their association with Sen. Schumer
2. Sen. Schumer recommended both judges to the bench.
3. Sen. Schumer said that Randi Weingarten is like a sister to him

4. Judge Louerbach said that he fixed cased for Sen. Shortbridge because the senator got him his job
5. Mr. Geyh said that when a judge lies about association either with a litigant or a person or group who has interest, then the judge can never claim that he or she is not unbiases. In addition, the judge loses faith of the public and the integrity (paraphrase)

E. Legal argument presented to district court

1. "Due process of law requires that the proceedings shall be fair, but fairness is a relative, not an absolute concept. . .. What is fair in one set of circumstances may be an act of tyranny in others." Snyder v. Massachusetts, 291 U.S. 97. 116. 117 (1934). See also Buchalter v. New York, 319 U.S. 427, 429 (1943).

   Judge Engelmayer ensured the proceedings were unfair and allowed AUSA to lie to him about facts that he knew were lies, like Federal Rules of Evidence

   Judge Engelmayer allowed Mr. Silverman to submit briefs that he knew did not represent my intent because he received my emails

2. "as applied to a criminal trial, denial of due process is the failure to observe that fundamental fairness essential to the very concept of justice. In order to declare a denial of it . . . [the Court] must find that the absence of that fairness fatally infected the trial: the acts complained of must be of such quality as necessarily prevents a fair trial." Lisenba v. California, 314 U.S. 219, 236 (1941)

   Judge Engelmayer knew that the safeguards of the Bail Reform Act were not observed and allowed Mr. Silverman and Mr. Taylor to lie about them because Randi Weingarten paid him to deprive me of my constitutional and retro money

   Judge Engelmayer even said the pure gall to say, "you will not receive justice here."

3. A fair trial in a fair tribunal is a basic requirement of due process. See In re Murchison, 349 US 133, 136 (1955)

Judge Engelmayer, Judge Donnelly with all EDNY personnel deprived me of a fair trial to cover up Judge Cogan's crime

4. Fairness of course requires of actual bias in the trial of cases. See In re Murchison, 349 US 133, 136 (1955)

   Judge Donnelly and Judge Engelmayer intimidated me and I caught it on tape

III Statement of Claim

1. In and out of court criminal court
2. Lack of procedural safeguards at the bail hearing
3. Randi and Betsy Combier harassed me, like placing my HIV status on Betsy's blog
4. Betsy's blog is funded by her nonprofit foundation
5. Sen. Schumer helped Randi cover up her crimes and her harassment of me
6. Judge Donnelly and Judge Engelmayer lied about their association with Sen. Schumer
7. Judge Donnelly and Judge Engelmayer will not entertain who[2] gave the NYPOST my health information (mental)
8. Schumer judges who have helped Randi Weingarten and Betsy Combier: Judge Brodie, Judge Donnelly, Judge Engelmayer, Judge Katzman, Judge Livingston, Magistrate Scanlon,[3] Judge Lainer (others too)
9. Betsy played me an audio recording of Randi paying Judge Marrero (Schumer)
10. I was deprived of a fair trial, the right to testify, and present evidence
11. I began emailing Sen. Schumer on December 11, 2017, because I believed that he was the person that was helping Randi Weingarten
12. I watched the hearings of Judge Porteous because Judge Cogan ignored his relationship to the UFT, how he dealt with the issues at hand at a lawyer for Strook, and how he wrote briefs for the UFT for arbitration that I quoted, but he could not read
13. I watched the videos in the Senate and US Court on changes for judicial conduct prior to November of 2018
14. Justice Roberts recused himself in *Schaffer v. Weast* 546 U.S. 49, 51 (U.S. 2005) because he said that no one would believe the opinion would be obtained without his influence
    a. Judge Newman wrote an opinion about practice of law, but wrote it was ok for Judge Cogan
    b. Judge Cogan worked for the UFT for over 20 years, which at Strook, Strook, and Lavin

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[2] Either AUSA Bensing or Federal Defender Letica Olivera

[3] Clerked for Katzman, so a Schumer judge by proxy

c. My lawyers and the AUSAs of EDNY say that Judge Cogan was right for what he did to me
   i. AUSAs of the EDNY are depriving of equal protection of the law
   ii. AUSAs of the EDNY have conspired with Judge Cogan to deprive m of a fair trial, liberty, and retro money—as Ms. Norton said that I was not entitled to retro money and see attachment and below for further facts
d. I have AUSA Gold and AUSA Shaw with 80 other DOJ personnel said that Judge Cogan committed a crime for the UFT against me
e. Judge Ritter was impeached and convicted for the practice of law for his former clients and law firm, but Judge Cogan is allowed to do this…and Randi Weingarten paid Judge Marrero
f. I did a lesson with students who had borderline IQs and they understood that what Judge Cogan did for his former clients was wrong and they, AUSA Gold with others, said that they believed it was a rime

15. Underlying facts:

I incorporate the facts contained s its below into this action

17-cv-00234. 2d
18-cv-03230 1d
21-mc-01760. 1d
19-cr-00127
15-cv-03679
17-cv-02239

16. I incorporate the motion Judge Engelmayer did not answer because it helps Randi Weingarten

I request relief from Judge Engelmayer's inaction (because Randi Weingarten paid him[4]—like Judge Marrero.[5] and Sen. Schumer is the middleman because he feels that

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[4] I do not know this as a fact, but I did hear Randi pay Judge Marrero, who is a Schumer judge, and it fits into the narrative that I wanted/envisioned when I started to emailed Sen. Schumer in December of 2017 and then the judges in March of 2018 because Randi is predictable

[5] I do not have the audio recording Betsy Combier played for me

Randi is like his sister. Also, it took Judge Engelmayer months to admit Sen. Schumer recommended him to Pres. Obama—I guess, I was not crazy and stupid after all). I make this request pursuant to:

As for my first request, I request that the state and NYC DOE not be allowed to take any steps, as they relate to the matter in the appeals, against me until Judge Engelmayer and the Court of Appeal makes their determination because my claims are based on structural errors, like choice of lawyer and my conviction will (should) be reversed--if Randi does not bride anyone, as usual and/or Sen. Schumer does not influence anyone for his sister, Randi.

Or and my preference, I want an order that my 3020-a hearing be streamed live. At the hearing, I want everyone that I emailed (which Mr. Silverman lied about) present with Shannon Hamilton-Kopplin of the Senate Ethics committee, Sen. Schumer (of course), and the others from the DOJ who answered my letters. If this matter is litigated at 3020-a hearing, then there is no need for an appeal because I get Randi, Betsy and the Schumer judges who harmed me for Randi.

Also, order Mr. Silverman to send my papers to the DOJ

I am sending this to all senators, and I ask if anyone would like to testify at my 3020-a hearing **because** what Sen. Schumer did for Randi Weingarten and Betsy Combier is the exact conduct that he wanted Pres. Trump impeached for.

To AG Garland/Pres. Biden:[6]

You know, as a former judge, that the government needs to protect the integrity. I ask that you allow/force all AUSAs, who spoke to me or wrote to me, to appear at my 3020-a without a court order.

I do not question discretion, but I question the views on facts as I have AUSAs who said that EDNY deprived me due process of law, which cause my liberty to be taken away.

There are not 2 DOJs for facts, but there are many different discretions at the DOJ, and I must accept discretions without questioning it. I have AUSAs who told me that I was deprived of liberty because of Judge Cogan, as all procedural safeguards were not given to me—which are described in Bail Reform Act and the Salerno case. To be frank, I was not given ANY procedural safeguards and everyone else understood, but the IG's office stated nothing happened (the gist of the letter) or my takeaway or I did not make my case clear on how I was denied liberty illegally and criminally—any could be a possibility

In determining whether to grant a preliminary injunction or temporary restraining order, a court must examine and weigh four factors: (1) whether the moving party has shown a strong likelihood of success on the merits; (2) whether the moving party will suffer irreparable harm if the injunction is not issued; (3) whether the issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuing the injunction. *Overstreet v. Lexington-Fayette Urban County*

[6] Taking Clause

Government, 305 F.3d 566, 573 (6th Cir. 2002); *McPherson v. Michigan High School Athletic Ass'n*, 119 F.3d 453, 459 (6th Cir. 1997) (*en banc*). "These factors are not prerequisites but are factors that are to be balanced against each other." *Overstreet*, 305 F.3d at 573.

I believe what is below the line will be enough to meet the requirements from above. However, I ask to fully develop the argument, but I am without my regular computer.

Facts:

1. My structural errors are more than valid, and I have letters supporting my ineffective assistance claim from the DOJ, which is the REASON I did not want Mr. Silverman as a choice of lawyer and choice of lawyer is structural error
2. NYS policy, in terms of conviction, that teacher will be restored to his/her rights and position prior to conviction and providing that the conviction is overturned, and I do not have the NYS BD paper provides the full description, but Mr. Greene has my computer
3. Transcripts are not either fully develop or accurate or there are obvious omissions (which I believe were made intentionally)
4. My employer cannot make an accurate decision because the record does not have my plea was a product of intimidation or reasons my lawyers were ineffective, as examples
5. I would have gone to trial if I was not intimidated because my intent was to get justice for what the UFT and DOE has done to me with the fact that the judges helped Randi Weingarten and the UFT
6. 3020-a hearing will focus on my intent

7. I will not have a neutral arbitrator because the DOE and the UFT both must agree upon the arbitrator
8. Arbitrators make over 1,500 dollars a day
9. Therefore, the arbitrators will decide my case based on their finical needs
10. I do not my computer, but there is a Supreme Court case for arbitrators that deal with the issue of Tumey v. Ohio (like finical issues), but please accept this case Commonwealth Coatings Corp. v Continental Casualty Co, 393 US 145 (1968) for impression of arbitrator[7]
11. The award will be procured by corruption, fraud, or "undue means"—the only way Randi Weingarten knows how to win
12. Mr. Silverman was not my choice for lawyer, which is a structural error
13. Mr. Silverman and Judge Engelmayer denied me a defense of my choice and my intent, which are structural errors
14. Judge Engelmayer was biased as he forgot the requirements to convict, see Tumey v. Ohio
15. I should prevail on appeal for my conviction of my criminal case, but this should be if Randi Weingarten or Sen. Schumer does not interfere with the decision making of the appeal—like all the other judges that I had
16. NYC DOE has not based their decisions of employment as required by NY Correction Law Art 23-a because I did not receive my retro money
17. According to Renee Campion (Commissioner of Labor Relations for NYC) and Alan Klinger, Esq of Strook, Strook, and Lavin, the CBA did not change NYC's Personnel Rules and Regulations: Rule 6.2.4 and that they apply to the CBA between the UFT and NYC (NYC's administrative statute)
18. Judge Donnelly (Schumer) said, "be happy that you still have a job" and Judge Engelmayer (Schumer) said, "you will not get justice here," but

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[7] The case that I speak about it a three panel arbitrator team

Randi paid Judge Marrero (Schumer judge) and Betsy Combier has the audio recording

19. Sen. Schumer said that Randi Weingarten is like a sister to him
20. Labor Relations for NYC and Strook, Strook, and Lavin are the agents who negotiate the contract, so they are the ones who TRULY understand the construction of the CBA
21. Peter Zucker read Judge Cogan's opinion (Doc. No. 37) 3 hours prior to it being posted on pacer.gov and then months later, he told me that he met with Betsy Combier, Randi Weingarten, Judge Cogan, and Randi Weingarten
    a. I cannot prove that he met with said people
    b. I can only prove what he said to me
    c. How did Peter know what Judge Cogan was going to write BEFORE it was posted for the public to see?
    d. I never received any exculpatory evidence from the DOJ on this issue, which I told my lawyers to ask
22. My lawsuit cited briefs from Strook and one of them was written by Judge Cogan, who worked at Strook with Randi Weingarten
23. It is court's policy (state and federal) to enforce arbitration decisions and my issues all stemmed from these decisions that were denied to me
24. NYC Personnel Rules and Regulations: Rule 6.2.4 states a break of service is anything above a year
25. I was denied retro payment because I was detained for 5 months; therefore, I did not have a break in service like the DOE and UFT told me
26. Shakira Price was detained after supposedly killing someone with a car (in the newspaper), but she received her retro money (she told me)
27. The DOE knew of my arrest prior to the US Marshalls filing a criminal complaint and sent a letter cutting off my health benefits

28. The DOE and the UFT called me on July 20, 2021 about my plea, which was a product of intimidation by Judge Engelmayer
29. The DOE is mad that I have documented the fact they screwed up with an AP smoking weed and not interviewing me, as the DOE brought up the ap on AP on sexual misconduct charges
    a. DOE muted my microphone, and it is on their website
    b. The DOE sent NYPD to threaten me to stay away from public meetings
30. The DOE and the UFT are mad at the fact that I have everything audio recorded and now, I have AUSAs to back me for what they have done to me
31. I called AUSAs, like Gold and Shaw, because the EDNY said nothing was wrong and nothing happened to me (paraphrased of AUSA Bensing's statement from February 5, 2019)
32. Please see 17-cv-00234, 18-cv-03230, 21-mc-01760, 19-cr-00127, 15-cv-03679, 17-cv-02239, documents under seal, and look at your own emails (the same ones sent to Sen. Schumer
33. Betsy Combier told me, prior to filing my lawsuit, that "if you continue to attack the UFT, Randi will be vindictive towards you, like what she did to the teachers in Teachers4action because she will find a way." which will we all know was a Judge Marrero case
34. Cathy Battle told me on the phone that if I continued with the lawsuit that the UFT would expose my rape, which was the emails that I sent to the UFT. And then, the pos the courage and pure GALL to allude to it at PERB and mentioned to DOJ in an email that Mr. Hueston said shit.

Below the line is a motion that Judge Engelmayer did not answer and is under seal because Randi Weingarten paid him because my employer will discipline me for what occurred in court and Judge Engelmayer committed a crime when he used his office for Sen. Schumer and Randi Weingarten because they were part of my intent.

Dear Judge Engelmayer, Ms. Karamgios, Mr. Silverman, and Ms. Silverman.

Re: Since Your Honor deprived me of my own defense and my own intent. I request the following remedy: as what happened at bail hearings and plea proceeding, they will affect me at Ed. Law 3020-a hearing and the decision the DOE must make under NY Correction Law Art 23-a.

As I attempted to raise numerous times to my lawyers and judges, the fact that the bail/detention hearing effected substantial rights, which is liberty. **See** US v. Salerno, 481 US 739. In Salerno, the Court explained that Bail Reform Act was meant to protect the substantive right of liberty because the said act provided procedural safeguards so that government would not abuse the use of denial of bail and wrongly placed the accused under detention.

If Your Honor denies me this request; then I want to contact the Judicial Conference and 2d. Cir. under 28 USC § 2106

Again: **Please Take Notice**, I was deprived of all procedural safeguards mentioned in Bail Reform Act of 1984 and reiterated in US v. Salerno—everyone else sees it outside the 2d. Cir. because the way I have explained is the same.

THERE CANNOT be two realities and people understand me when I speak to people outside of the 2d. Cir. In addition, they were kind enough to provide advice to me on many issues that has been ignored by own lawyers.

Please Take Further Notice, the Court was clear, in Salerno, how the procedural safeguards in the Bail Reform Act of 1984 were meant to protect substantive right of liberty, which are protected by the Fifth Amendment and Fourteen Amendment of the Due Process Clause

Please Take Even Further Notice, I was prevented from litigating my substantive right of liberty by my own lawyers.

I. Facts never presented at any bail hearing:

1. The US Marshalls did not believe that I was a danger to anyone
2. The US Marshalls wrote that I was a nuisance in their report
3. The US Marshalls told me that they waited to pick me up because I was not a danger to anyone, on 11/14/18
4. The judge took their sweet time to report the emails and never said that they were in fear of the times either
5. The AUSAs took over a year and half to produce the email from a judge. (if there are others. I have not looked at discovery)
    a. Request was made on 12/21/19
    b. The requested email, under protective order, was handed over on April 12, 2021
6. I informed each of my lawyers and the information was sent in an email sent to AUSA Bensing with other DOJ personnel that in US v. McCrudden, cr-11-061, Judge Hurely explains that how the US Marshalls responded to a supposed threat against a judge and the time it took the US Marshalls to contact the suspect are items to consider not detaining someone

7. Then, Judge Hurely explains that the amount of time the judges took to inform the US Marshalls is also another fact to consider whether to detain someone or not.
8. Your Honor asked the government to produce a statement about the bail hearing and AUSA Karamigios never did as Your Honor ordered.
9. Mr. Silverman said the time has passed to get a letter from AUSA Karamigios, but it only has passed if Mr. Silverman does not provide Your Honor with a chance to answer or order AUSA Karamigios to file the letter.
10. The time has not passed because what happened will affect my job. I will explain how it will explain below.
11. Mr. Silverman knew, like my other lawyers, the US Marshalls wrote a report saying that I was not a danger to anyone but a nuisance, like the US Marshalls told me on 11/14/18.

II. Ex Parte Conference

As I explained to Your Honor on April 16, 2021, and in the ex parte letters, AUSA Shaw told me to file a criminal complaint against my lawyers, who were, at the time that I spoke to her, Olivera, Weil, Hueston, and Taylor because they failed to present evidence and ask for new bail hearing. I feel that Your Honor prevents me from litigating my claims of ineffective assistance of counsel, so that I cannot claim Cronic or structural error or sue my lawyers. **Please Note**, the 1st and 2nd Departments told me to sue my lawyers because they know that they were harming me at the bail hearings and it will affect my job.

III. The way the DOE will use the information from the Bail Hearing

The DOE will use the bail hearing, where Magistrate Scanlon denied me bail because I was danger to the community, as means to use it in at the 3020-a arbitration hearing. The arbitrator could read what the US Marshalls wrote, but the arbitrator will never hear the fact my lawyers, including Mr. Silverman, willfully excluded any evidence

that I was not a danger to the community and the US Marshalls believed that I was not a danger to anyone.

As the transcripts will show, Judge Donnelly and Your Honor praised my lawyers. It is obvious that judges' opinion is weighed more than someone from the DOJ, AUSA Gold or AUSA Shaw.

I. Correction Law Article 23-a

The following is the way the constitutional violations of the Bail/Detention hearing will affect my job, which I property interest as teacher. If Your Honor does not know, correction Law Art. 23-a is the mode employers make decisions about employees with convictions. I need Your Honor to carefully read 3(h) below because it deals with the fact that I was prevented from litigating the fact that I was not a danger to the community.

Your Honor remained silent or ignored the fact that I have AUSA Shaw telling me to file a criminal complaint against my previous lawyers at the ex parte conference, which I did with AUSA Bensing. Please see ex parte motions and transcript. Your Honor did not express anything, so I do not know how to classify lack of action.

a. The Following are the items that the DOE needed to consider for retro money and for whether to file charges under Ed Law 3020-a

1. Article 23-A requires employers to evaluate qualified job seekers and current employees with conviction histories fairly and on a case-by-case basis. The law specifies eight factors that employers must consider when evaluating an applicant with a prior conviction.
2. NY Correction Law requires the following actions to occur:
    a. Section 750. Definitions

b. 751 Applicability

c. 752 Unfair discrimination against persons previously convicted of one

d. Or more criminal offenses prohibited.

e. 753 Factors to be considered concerning a previous criminal

f. Conviction; presumption.

g. **754. Written statement.**

h. 755 Enforcement.

3. Items that NYS Employers must consider when hiring or firing someone with convictions:

a. New York State's public policy of encouraging the employment of persons with prior convictions.

b. The specific duties and responsibilities necessarily related to the license or employment sought.

c. The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his ability to perform one or more such duties or responsibilities.

d. The time which has elapsed since the occurrence of the criminal offense or offenses.

e. The age of the person at the time of the occurrence of the criminal offense or offenses.

f. The seriousness of the offense or offenses.

g. Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

h. The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

4. Obviously, I can meet "g" (which is mentioned above): Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

   I am not worried about presenting evidence of "g"

5. But "g" does not replace the order that I was detained because of being dangerous to the community, as my lawyers intentionally failed to present evidence of what the US Marshalls wrote (I was a nuisance and not dangerous) or obtain from the DOJ that the judge took over two weeks to report the threat.

6. It is "h" the DOE will cite: "The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public" because I never got the chance to litigate the facts. I was not a danger to anyone (according to the US Marshalls) and given exculpatory evidence by the DOJ to show that the judge took their sweet time reporting my emails.

As Your Honor knows that it will be beyond difficult to overcome an order from the court saying that I am a danger to the community. I work with children and there are various statutes and various constitutional theories where the state must protect the public.

This is all understandable, but I would have been in a better position, if I would have been allowed to present evidence that I was not a danger to the community

7. A court saying that someone is a danger to the community is a powerful statement for the DOE to use against me, but I was denied the opportunity to present a defense where I would have litigated the fact that I was not a danger within the

meaning of the Bail Reform Act of 1984 because the US Marshalls' report would have ruled out dangerous with the amount of time the judges took to forward the response.

8. I only had the US Marshalls telling me that I was not a danger to anyone, but I could not audio-record them, as I was in custody.
9. The email where the judges waited two weeks to report the threat is a powerful statement and they made no statement that they feared my emails, but **I need the protective order lifted to use at the 3020-a**
10. In US v. McCrudden, cr-11-061, Judge Hurely explains that how the US Marshalls responded to a supposed threat against a judge and the time it took the US Marshalls to contact the suspect are items to consider not detaining someone
11. In fact, Judge Hurely continues to explain that the time the judges took to forward the threat to the US Marshalls also shows the defendant was not a threat or a danger to the community.
12. Now, I have the US Marshalls' report to use, but the email from the judge (I will not say from whom because I do not if I could say the name, nor have I had an opportunity to view all evidence under the order) is under protective order.
13. I have emails and audio-recorded phone calls (from all the lawyers that I have had and including the current ones) where I explain what Judge Hurely said in the McCrudden case and I even sent the Judge Hurely's decision to each lawyer that I had and even to the current ones.
14. Betsy Combier said that Randi would have me fired if I mentioned the UFT in the lawsuit and that Randi Weingarten would be vindictive, like having Betsy placing my HIV status on her blog.
15. Then, there is the fact that the UFT threatened to expose my rape if I continued with my lawsuit
16. Judge Donnelly said, "just be happy that you have a job for now," which is in the transcript.

II. I need Your Honor to address the above issues

I realize that Your Honor has discretion, but I was precluded from litigating a meritorious claim of constitutional violations at the bail/detention hearing, as Your Honor said: "you will not get just cause here" because there is evidence that my lawyer knew of and the AUSA withheld from the hearings.

The issue should have been litigated was the fact that I was not a danger to the community. My lawyer's conduct was, in any meaningful way, to prevented from presenting evidence at any bail hearing. **In fact,** I was precluded by my lawyers to obtain a new bail hearing, which is statutory right and, let's be honest, it is constitutional violation to deny me access to the court to litigate issues—which was what Mr. Silverman did.

My lawyers new of evidence that I was not a danger to anyone and failed to obtain the exculpatory evidence from the AUSA but waited until the AUSA sent the needed evidence two and half years later. So, my lawyers knew of emails sent from judges to the US Marshalls and the fact that US Marshalls wrote that I was a nuisance and not a danger to anyone, which they wrote in their report to the court.

My lawyers knew and understood that what the US Marshall wrote in their report, the time the judges took to forward the email to the US Marshalls and Judge Hurely's decision in McCrudden echoes the previous two facts; these things were all needed to litigate the issue that I was not a danger to the community. After June 2, 2021, at the PSR interview, Mr. Silverman informed me that he had no idea why I referred to Judge Hurely.

Your Honor allowed Mr. Taylor, esq. to lie about the bail/detention hearing without me explaining.

Your Honor ignored the fact that AUSA Shaw told me to file a criminal complaint against my lawyers, which I did with AUSA Bensing, as I wrote in letters

I, in fact, found out that Your Honor is the person to present a habeas corpus petition too. Your Honor told me that I will not get justice in your courtroom.

III. Has Mr. Silverman informed the DOJ how the DOE/UFT retaliated against me by depriving me retro money

It has been months since I told Mr. Silverman about the crime of retro money, which was also told AUSA Bensing. If Mr. Silverman cannot inform the AUSA now or the AUSA ignores my criminal complaint to protect the UFT/Randi Weingarten/Judge Cogan (I know the AUSA has discretion but the AUSA already covered up the crime between Judge Cogan and the UFT, and my current compliant is part and parcel to the aforementioned action) because, besides AUSA Shaw and AUSA Gold, I have numerous DOJ personnel outside of the 2d Cir. who told me what is being done to me is a crime and AUSA Bensing lied about Judge Cogan on February 4, 2019

Ms. Shakira Price was given her retro money after being detained in jail, which is the read given to me as why I would be paid retro money.

I heard the audio-recording of Randi Weingarten paying Judge Marrero, but I did not hear the audio-recording of Randi Weingarten attempting to bride Ed Fagan, which Betsy Combier has, and this recording is not in discovery.

I request Mr. Silverman's financials because he has gone of his away to harm and deprive of everything constitutional right. In addition, I request all financials from each lawyer that I had.

I do not have any doubts that Mr. Taylor, esq. did not tell the DOJ what the DOE/UFT did to me is crime. I have so many DOJ personnel, from outside of the 2d. Cir., telling me it is a crime.

I am baffled by Your Honor's comment that my lawyers have worked hard for me because no one else sees that whatsoever.

Example:

Statements said to Your Honor	Your Honor's Reponses	The Facts that have not changed
(1)I told Your Honor that under the Bail Reform Act allows defendants to present evidence that was not present prior to the court and could be presented to the court up until trial.	Nothing	The Bail Reform Act is clear, and evidence was not presented to the court.
(2)I told Your Honor that my lawyers knew of a report from the US Marshalls saying that I was not a danger, but a nuisance	Nothing	Besides what I mentioned above, AUSA Shaw told me to file a criminal complaint, which I did with AUSA Bensing
(3) Then, Your Honor allowed Mr. Taylor to lie about the bail/detention hearing	Your Honor became enraged and said. "How you disparage Mr. Taylor…"	Same as the two above

(4)I asked Your Honor Mr. Silverman to address the fact of the Bail Reform Act	Silence	The same as the first two
(5) Mr. Silverman said Mr. Celli's issue with bail is better suited for a habeas corpus petition.	Your Honor answered, "So, Mr. Celli wants you to file motions that you cannot."	The same as the first two
(6) Now, rule 52(b) is the final way to litigate the issue that I was not a danger to the community or anyone, but a nuisance, like the US Marshalls wrote, the reason they waited to come to get me, and why the judges took two weeks to forward the first email.	??? I prayer that Your Honor will provided me with relief from the constitutional violations, as Your Honor promised the Senate Judiciary Committee and it is same issue that the Supreme Court requires of lower courts, but I have to for Your Honor's discretion.	Just like the Bail Reform Act, rule 52(b) allows defendants to litigate issues that affected their rights. What happened at the hearings is still a crime and my lawyers were given to me to protect my rights, according to various DOJ personnel outside the 2. Cir.

Conclusion

I would like to know how the DOJ and/or the court is going to help me with this because it is within your (judge's or AUSA's) discretion to help me or not.

I checked with many DOJ personnel about whether a motion could have been place prior to trial or not, like the Bail Reform Acts states, and everyone said, "yes, if there was evidence not presented at any bail hearing"--wow, it is the same as it is written in the statute, but Mr. Silverman told Your Honor otherwise.

Your Honor, however, believes that I want my lawyers to file things that they cannot, please explain because there cannot be two realities and the DOJ told me that the Bail Reform Act has not changed. What the DOJ told me about the Bail Reform Act is the same as what I told Your Honor in person and in writing. What am I missing? I would like to understand

Your Honor said that I could not seek justice for what happened at the bail/detention hearing at trial and my lawyers did not want to obtain a new bail hearing because they lied to Your Honor and Judge Donnelly, but I have AUSA Shaw saying it is a crime..

1. **Remedy for not being allowed to litigate not being a danger to the community**: I need Your Honor to order the following individuals to be present at my 3020-a hearing:

   Magistrate Scanlon (clerked for Judge Katzman), Chief Judge Brodie (Schumer judge), Judge Katzman (Schumer judge), Judge Hurely, Judge Donnelly (Schumer judge), Magistrate Bulsura, Judge Engelmayer (Schumer judge), Sen. Schumer—he believes Randi [Weingarten] is like a sister to him and he would do anything for her (in a video to AFT members) and I have an email response from the senator that is under seal, Judge Cogan, AUSA Brady, AUSA Bensing, AUSA

Gold, AUSA Shaw, AUSA Bensing, AUSA Karamigios, any AUSA that I spoke to over the course of two years or I have emails from, US Marshalls, Ms. Olvera, esq., Mr. Weil, esq., Ms. Gerlant, esq., Mr. Hueston, esq., Mr. Taylor, esq., Mr. Silverman. esq. Ms. Silverman, esq., Randi Weingarten, esq. or "evil mob boss", and Betsy Combier, all present for my 3020-a hearing because I need to present evidence as to why I was denied all procedural safeguards in federal court, as it is the only way to show that I was not a danger to the community, like present evidence of US Marshall reports that I was not a danger, but a nuisance. T

a. What I was prevented from litigating in federal court by each lawyer that I had, I will need to litigate the issues at the 3020-a because it will be all related to the 3020-a proceeding. The bottom line is, the Bail Reform Act of 1984 is clear on procedural safeguards and then, the Supreme Court highlighted the procedural safeguards, in US v. Salerno, 481 US 739, because the procedural safeguards were meant to protect substantive rights of the accused, such as liberty and impede the government from misusing detention as a means to retaliate against the accused, which is the defense given to me by the DOJ and Your Honor would not allow me to have my own defense of choice.
b. Having everyone that I mentioned in A is the only way to present a defense at 3020-a that was denied to me in federal court by my own lawyers
c. I have audio-recordings of my lawyers, but they cannot be forced to attend
d. I have audio-recordings of DOJ personnel, but I can try to subpoena under a certain doctrine--but this is not a guarantee, Your Honor grants my request

e. I have audio-recordings of various law enforcement agencies. but they cannot be forced to attend (I have to find out about NYPD, since they work for NYC)

f. I have the transcripts, but the DoE cannot cross-examine anyone

g. I believe I can have Randi Weingarten because NYC is her original place of employment and, for sure, the UFT Pres on down collects a UFT salary and a DoE salary, so this makes them NYC employees too--Randi said that the UFT is her home union, but we shall see.

h. My lawyers had up until trial to present any evidence not given to the court, which I cited in my motions and at the ex parte conference with Your Honor because it is a statutory right.

i. DOE can only force employees to testify at 3020-a hearing and others have a choice, as this is my understanding.

j. Your Honor did say, "you will not get justice here" and now without the opportunity to litigate the fact that I was not a danger to the community with proof, from the US Marshalls wrote, that I was a nuisance: then, I will not have hope.

k. My lawyers prevented me from obtaining exculpatory evidence of my subjective intent and Your Honor concurred with them, which is act of taking my will from me.

l. My lawyers prevented me from presenting any meaningful defense to anything and Your Honor concurred with part of it and then, the judges aided my other lawyers, which took my will from me.

m. My lawyers prevented me from litigate the fact the US Marshalls deprived me of a fair trial with their reports

n. My lawyers prevented me from litigating that my confession was not voluntary and promised to put a suppression motion

o. My lawyers prevented me from litigating AUSAs' misconduct and I have AUSA Gold saying AUSA Bensing did commit misconduct about lying about Judge Cogan and the UFT.

i. Somehow, according to Mr. Silverman, it would be an ethical violation if he placed the motion on the docket, but the 1st and 2nd Departments told me that it would be an ethical violation if Mr. Silverman did not to place the motion on the docket because they recognized the misconduct of the AUSAs too. In fact, I did not even say what AUSA Gold told me…all I did was state the facts

ii. There cannot be two realities

p. The various issues under mandatory recusal which impeded me from litigating

q. My lawyer prevented me from litigating the issue of recusal of the AUSAs

r. My lawyer prevented me from litigating the issue that the AUSAs deliberately destroyed evidence, which is linked to AUSA Bensing's misconduct in court, the US Marshalls' threat, and other issues under seal

s. There are other issues that I was prevented from litigating

2. **Remedy**: Judge Engelmayer, may I use the transcript (from the April 16th ex parte conference) with my motions/letter under seal at my 3020-a. I have the transcript and I have what Mr. Silverman placed under seal, but I do not know if I need Your Honor's permission to use them because I rather use the official ones. **Please take Notice**, I have Mr. Silverman telling me that I can use them

Your Honor allowed or you did not realize it, but Mr. Silverman lie about Bail Reform Act of 1984 when he said "it better that Mr. Celli file a habeas corpus,"

which Your Honor eagerly responded by saying, "so Mr. Celli wants you to files things that you cannot."

Bottom line is the Bail Reform Act of 1984 provides the defendant to present evidence that was not presented to court and this right is valid up until trial, which I mentioned at the ex parte conference, and Your Honor did not say anything.

Please check the transcript

3. **Remedy**: Your Honor asked the AUSA Karamigios to file a letter with the court about the bail/detention hearing. I ask that AUSA Karamigios do as Your Honor ordered.

4. **Remedy**: I request that there be a stipulation of that I was not danger to anyone but a nuisance like the US Marshalls wrote because I precluded from litigate the issue and my lawyers knew of evidence that I was nuisance and not a danger to the community. according to the US Marshall

5. **Remedy**: I request that the DoE be precluded from using anything from this case because my lawyers prevented me from exercising my statutory rights to present evidence that I was not a danger to the community and prevented me from litigating other issues too.

I am praying for a remedy that Your Honor can, within your discretion, provide me because Your Honor promised to protect individual constitutional rights at your senate confirmation hearing. From watching Your Honor speak about your time clerking for Justice Marshalls, I believe you are a person of your word.

I understand, moreover, that Your Honor could grant me only one remedy listed, all remedies listed, or none, as it is within Your Honor's discretion and I say this with Your Honor's acknowledgment of constitutional violations, as you already told once, "you will not receive justice here."

Lastly, AUSA Shaw told me that it was a crime not to present evidence, known to the lawyers, to the court because they are impeding the court from reaching a correct and just decision, as the stated facts are needed to reach such decisions. What AUSA Shaw said is seen in the Bail Reform Act, in the Salerno decision, and other decisions by the Supreme Court, but my lawyers tell me that "they can't do it" or "it will harm you."—there is a disconnect.

It does not appear AUSA Shaw is lying to me because what she said to me, I can read in the statute and in Supreme Court decisions. I wonder who is lying ..hmmm

I request a temporary injunction of any disciplinary decision on criminal conviction because the record is not fully developed in court and my employer does not have all the records under seal to make a proper decision, as required by NYS law and I wrote this to Judge Engelmayer and I knew he would ignore it. like Randi paid Judge Marrero, which is the reason that I sent the SAME documents to congress

Or wait until the appeal is done and if there is a new trial

I request that you and order anyone that has information or who works for the UFT/AFT/DOJ and others to appear at my 3020-a hearing

I request that the court order the DOE and the UFT to explain why I was deprived of my retro money and that it had nothing to do with retaliation. DOE is required to provide one under NYS Law Art. 23-a and correction law 750 (somehow they are related or the same but I do not have my computer to know for sure)

Another remedies:

1. Retro money
2. The name of the person at the DOE who denied me Retro money

IV Irreparable Injury and Remedies

1. I incorporate the remedies written in the original motion
2. Any remedy that I have not listed by name, like no arbitrator in NYS will protect my rights and I need a federal judge, who is not influenced by Sen. Schumer for Randi, to be appointed
3. Although Daniel Perez appears to be good (but all my lawyers began the same way), he is already saying what I must see
    a. The Engelmayer motion, I want the 2d. Cir. to address it via 28 USC § 2106
    b. The issue of recusal and transfer out of the circuit
    c. I need more than 91 days to perfect my brief for appeal
    d. I need hearing to show how and why I received ineffective of counsel
4. I need a different judge to hold hearings, so that I can develop my structural error claims, please attachments
5. I need the DOJ to state its position on ineffective assistance of council (IG's office and DOJ Executive Office both said that I received ineffective assistance of council)

6. I need Mr. Ragdale's office to issue its findings on AUSAs' misconduct[8], which is another reason for extra time
7. For DOJ to inform EDNY to stop depriving me of equal protection of laws to cover up Judge Cogan's crime and that of the UFT's and Randi's crimes too.
8. For the Judicial Conference to provide me with an unbiased judge because he is ignoring facts that are known to him and the IG wrote to me and others have said to me verbally—nothing excuses collusion or the appearance that Randi Weingarten paid him.
9. For the Judicial Conference to force a judge to hold a true hearing where I can present my audio recordings and facts/truth can come to the public's eye
10. For Judicial Conference and AG Garland to allow their employees to appear at my 3020-a because a face with my audio recording is better or a court order
11. Betsy Combier to produce the audio recording of her, Randi, and Judge Marrero with his clerk.
12. Basically, Randi Weingarten wants to hide what I have audio recorded
13. Randi wants to hide the fact that Judge Cogan helped the UFT,[9] which both Randi and Cogan worked for Strook, and Randi received her union job while she worked at Strook
14. Randi wants to hide how she with Judge Cogan had Betsy Combier harass me, like place my HIV status on her nonprofit blog that Judge Brodie ignored
15. To stop Sen. Schumer and his judges from depriving me of all my constitutional rights
16. To have the trial of my dreams and expose what EDNY (judges and AUSAS) with my own lawyers' help deprive me of a fair trial

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[8] I rather have Mr. Rasgdale's office findings, than those of the IG's office and Exc. Office conclusions
[9] Always remember that the UFT was a former client of Judge Cogan

17. To have my trial live stream because Randi Weingarten and Betsy Combier, with Sen. Schumer's help via his judges and AUSAs, wanted me to ashamed of being raped and getting HIV
18. To have everyone testify (via zoom is fine)
19. To prove Sen. Schumer via his judges, with influence from Judge Cogan, helped to deprive me Liberty because Randi is like a sister to him
20. To prove Judge Cogan used his office for the UFT and cover up their crimes against me
21. To make sure Sen. Schumer never helps Randi Weingarten again
22. To make sure the judges of 2d. Cir., SDNY, and EDNY never help Randi Weingarten or the UFT
23. To get the name of the person who deprived me of retro money at the DOE because NYC Personnel Rule 6.2.4 establish that anything above a year is a break in service
24. The public has the right to know that Randi Weingarten and Sen. Schumer have been fixing cases, in court, since 2008
25. AUSA Karamigious and whoever showed up with her, they knew Judge Engelmayer intimidated me into a plea
    a. What is the EDNY going to do about it on appeal?
26. Regain equal protection of the laws that Sen. Schumer's judges have deprive me of and AUSAs in the EDNY
27. Regain my constitutional rights deprived to me by Sen. Schumer's judges and from AUSAs in the EDNY
28. Judge Engelmayer and Judge Donnelly both knew and understood that I was DEPRIVED of all safeguards listed in Bail Reform Act
29. In fact, Judge Engelmayer allowed both Mr. Silverman and Mr. Taylor to lie about the bail hearing

30. To show that the judges, especially Schumer judges, forgot the rule of law and facts because Randi paid them, like Judge Marrero

31. Whatever else is listed above but I forgot to include in this section.

Dated this 2nd of ~~December~~ January, 2022.

Lucio Celli, Defendant